

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

MARC STOUT, ET. AL.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:20-cv-147 (RDA/TCB)
	)	
SGT. MISCHOU	)	
	)	
and	)	
	)	
LT. BISEK,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS**

COME NOW the defendants, Sergeant Mischou and Lieutenant Bisek, by counsel, and pursuant to Fed. R. Civ. P. 12(b)(1) and (6) move this Court to dismiss all claims for the reasons set forth below, and based on arguments set forth in the defendants' Memorandum in Support of Motion to Dismiss:

1. The plaintiffs fail to demonstrate that federal jurisdiction exists in this matter in that they have failed to set forth a substantial claim;
2. The plaintiffs fail to state a claim for violation of their Constitutional rights in that the facts are insufficient to support the conclusory arguments that they were entitled to be present on that portion of the police station property identified in the Complaint for the purpose alleged;
2. The plaintiffs have failed to state a claim for violation of either due process or equal protection under the Fourteenth Amendment.

**SERGEANT MISCHOU AND LIEUTENANT BISEK**

By Counsel

/s/

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Julia B. Judkins, VSB No. 22597  
Heather K. Bardot, VSB No. 37269  
BANCROFT, McGAVIN, HORVATH & JUDKINS, P.C.  
9990 Fairfax Boulevard, Suite 400  
Fairfax, Virginia 22030  
Telephone: (703) 385-1000  
Facsimile: (703) 385-1555  
[jjudkins@bmhlaw.com](mailto:jjudkins@bmhlaw.com)  
[hbardot@bmhlaw.com](mailto:hbardot@bmhlaw.com)  
*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2020, I have mailed copies of this pleading to the following identified individuals (and have emailed copy to plaintiffs Messrs. Marc Stout and Robert Stout), and I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF), if possible, to the following:

Messrs. Marc and Robert Stout  
30 Willow Branch Place  
Fredericksburg, VA 22405  
[legaleyesdrugs@gmail.com](mailto:legaleyesdrugs@gmail.com)  
*Pro Se Plaintiffs*

/s/

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Julia B. Judkins, VSB No. 22597  
BANCROFT, McGAVIN, HORVATH  
& JUDKINS, P.C.  
9990 Fairfax Boulevard, Suite 400  
Fairfax, Virginia 22030  
Telephone: (703) 385-1000  
Facsimile: (703) 385-1555  
[jjudkins@bmhlaw.com](mailto:jjudkins@bmhlaw.com)  
*Counsel for Defendants*